

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

SPECIAL MEETING of the PARK COMMISSION

Tuesday, November 28, 2006

Chairman Rick Treptow called the meeting of the Park Commission to order at 5:30 pm in the Conference Room at the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Park Commissioners present: Treptow, Dawn Sammons, Sharon O'Brien, Brent Horvath, Jill Wegner, Laurie Larson

Park Commissioners absent: Sarah Lobdell, Trustee Joe Bidwill

Also present: Village Clerk Dennis Martin, Trustee Micki O'Connell

General Business

Tulman Appeal

Treptow stated that the special meeting of the Park Commission was called to address two Tree Board matters. The Park Commission serves as the Village of Fontana Tree Board. Treptow stated that the Park Commissioners visited the site where two trees were cut down without a permit at the residence of Ilya and Natalie Tulman, 520 Upper Gardens Road. Treptow stated that the Tulmans did not apply for a permit until after the trees were cut down and the species of the trees is unknown. The application filed by the Tulmans states that the trees were dead. At the November 15, 2006 meeting of the Park Commission, Natalie Tulman stated that their insurance company made it a requirement for their home owner's policy that the unsafe trees be cut down and they did not know the Village has a Tree Ordinance. Treptow stated that the Park Commission has four options to handle the Tulman's appeal of the fine called for in the Tree Ordinance. Treptow stated that the Park Commission could vote to do nothing; it could levy a fine similar to the fine imposed on the Moraveceks when they had a dead tree cut down prior to the receipt of a tree removal permit and the Park Commission imposed a \$100 fine and ordered them to plant a new tree to replace the dead tree that was cut down; it could fine the Tulmans the full amount called for in the Tree Ordinance and make them plant two new trees, but the width of the two cut-down trees is not known so the fine would be a minimum of \$4,000; or it could vote to levy a reduced fine. Horvath stated that he favors the second option to fine the Tulmans on the same scale that the Moraveceks were fined because the situations are similar. Treptow stated that Moravecek was fined \$100 - figuring that a permit is \$50 (even though a dead tree exempts the money) and double it (for not getting it in the first place per tree). Treptow stated that Moravecek had one tree, therefore \$100; the Tulmans have two trees and each would be \$100 figured the same as Moravecek - \$50 doubled per tree or a total of \$200. Treptow stated that the Park Commission would be treating both cases equally by approving the second option; however, the Tulmans did not provide any evidence that the trees were dead or unsafe. Larson stated that the Moraveceks had a professional tree service that provided documentation that the tree was dead, compared to no evidence supplied by the Tulmans. Larson stated that the Village also does not know if the trees were diseased, and if they were diseased, the wood should be removed from the lot to prevent the disease from spreading to other trees in the Village. O'Brien stated that she favors the second option based on the past precedent of the Tree Board in handling the Moravacek appeal, and she made a motion to approve levying a fine of \$100 per tree and requiring the Tulmans to plant two new trees on the lot. Following discussion, the motion was amended to include the condition that the Tulmans remove from the site the wood from the two cut down trees, unless the wood is proven not to be diseased by a certified arborist.

O'Brien/Horvath 2nd made a MOTION to levy a fine of \$100 each for the two dead trees cut down without a permit on the property of Ilya and Natalie Tulman, 520 Upper Gardens Road, with the conditions that two trees at least 2-inches-wide in diameter are planted on the lot to replace the two cut-down trees, and that the wood from the two cut down trees is removed from the lot within 30 days unless the wood is proven not to be diseased by a certified arborist. The MOTION carried on a 5-1 vote, with Laurie Larson voting no.

Set Date for Henry Site Visit

Treptow stated that even though the Village Board voted to approve the establishment of a moratorium on the enforcement of the Tree Ordinance in the ETZ District, the Park Commission still should take a tour of the Henry property and follow through on the approval process for the U.S. Department of Agriculture Natural Resources Conservation Program Agreement application filed by Henry. Treptow stated that the document filed with the Village by Henry on November 17, 2006 doesn't really provide site information on the Henry property. In response to a question from Larson as to why the Park Commission would want to tour the property since the moratorium already has given Henry carte blanche approval for the project, Treptow responded that if the Park Commissioners visit the site, they will be able to keep an eye on the project and see if the plan is completed as proposed. After other Park Commission members indicated that they also would like to tour the property, Treptow stated he will contact Mr. Henry and try to schedule a visit for a Saturday morning in December. On a related topic, the Park Commissioners selected three possible dates for a workshop meeting to discuss proposed amendments to the Tree Ordinance. The three possible dates recommended by the Park Commission are Saturday, January 6, 2007, at 9:00 am; Tuesday, January 9, 2007, at 5:30 pm; or Saturday, January 20, 2007, at 9:00 am.

Adjournment

O'Brien/Treptow 2nd made a MOTION to adjourn the meeting at 6:06 pm, and the MOTION carried without negative vote.

Note: These minutes are subject to further editing. Once approved by the Park Commission the official minutes will be on file at the Fontana Village Hall.

APPROVED: 12/13/2006